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EXAMINER	
BARQADLE, YASIN M	

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/852,848	ARNESON ET AL.	
	Examiner	Art Unit	
	Yasin M. Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 19, 2005 has been entered.

Response to Amendment

2. The amendment filed on September 19, 2005 has been fully considered but are not deemed to be persuasive.

- Claims 1-33 are presented for examination.

Response to Arguments

3. Applicant argues that O'Neal does not teach or suggest automatically responding to a call without a communication link being fully established and automatically providing information without without a communication link (pages 11-13 remarks).

Examiner notes that automatically Therefore, Examiner contends that O'Neill teaches responding to a call, retrieving an electronic file stored in POP 408, terminating the connection with the caller and automatically delivering the electronic file (voice message or other electronic text forms) over a data network to a recipient (col. 5, lines 36-42; col. 11, lines 38-67 and col. 14, 43-56). O'Neal provides an alternative method by using a faux ringback for the calling party prior to playing an audio message announcing the option to send a voicemail rather than completing the call. Therefore, in O'Neal the call is not completed and data is transferred as a burst over the data-centric network.

Applicant argues that "Pepe is directed to a system and method of remotely controlling the receipt and delivery of wireless and wireline electronic text messages (See Abstract). O'Neal's system and method sending a voicemail from a caller to a recipient, saving toll charges. However, Pepe's uses a DIGITAL NETWORK to send text messages that NEVER relies on an analog phone line, much less long-distance service that is based on hook operation. Thus, intercepting and servicing Pepe's digital network that NEVER answers a call in the first place is nonsensical." Page 13. Examiner notes that Pepe different kinds of networks " he PCI server 48 is also connected to various

wireless and wireline networks 49 via signaling connections in these networks to transmit and receive information for all of the messaging options. Illustratively, the PCI server provides access to Public Packet Switched Networks (PPSN), Public Switched Telephone Network, (PSTN), Integrated Signaling Digital Networks (ISDN), X.25 networks and TCP/IP networks and may include access to asynchronous transfer mode (ATM), Switched Multimegabit Digital Service (SMDS), and Frame Relay networks." (Col. 7, lines 16-36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-16 and 19-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe et al USPN (5742668) in view O'Neal USPN. (6243444).

As per claim 1, Pepe et al teach a system for delivering information to a plurality of mobile recipients having mobile communications devices (PDA 30, Cellular phone 32 and pager 34) capable of receiving text messages, said system comprising:

at least one process server (PCI 40, fig.3);

at least one memory comprising [database 44]:

a plurality of desired information listings (col.5, lines 33-63) corresponding to each of a plurality of recipients (subscribers), said plurality of desired information listings (types of services subscribed) including data indicative of information desired by each respective one of said plurality of recipients [col. 7, lines 11-27 and 47-59]; and

a plurality of telephone identification listings corresponding to said plurality of recipients [database 44 stores profiles containing service related information for mapping services to subscribers col.6, lines 11-27 and 47-59]; and

a telephone link (fig. 3, network 29 and 39) through which said plurality of recipients can initiate telephone calls to access said process server [col. 5, lines 22-30];

wherein said process server (PCI 40, fig 3) uses said plurality of telephone identification listings to identify a

recipient upon said recipient initiating a call telephone call to said telephone link [col. 15, lines 30-42]; and

in response to said telephone call, said process server initiates a process whereby said desired information is automatically provided to said recipient [fig. 8, col. 14, lines 46-63 and col. 15, lines 9-12. See also col. 5, lines 31-44]. Although Pepe et al shows substantial features of the claimed invention, he does not explicitly show automatically providing information to a receipient without a communication link being fully established between a recipient and a server. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Pepe et al, as evidenced by O'Neal USPN. (6243444).

In analogous art, O'Neal disclose whose invention is about a method for servicing long-distance calls prior to incurring charges associated with routing long-distance call, disclose a telephony-centric network server that detects initiation of a long-distance call, the call is intercepted, thereby giving the caller the opportunity to send a voice mail message and automatically delivered to a recipient over the data centric network [Col.5, lines 36-42 and col. 10, lines 20-26. see also col. 11, lines 54-65]. Giving the teaching of O'Neal, a person of ordinary skill in the art would have readily recognized the

desirability and the advantage of modifying Pepe et al by employing the method for intercepting and servicing long-distance calls prior to incurring charges of O'Neal. One ordinary skill in the art would do so because it provides an increased efficiency and cost saving for the caller [abstract and col. 10, lines 20-26].

As per claim 2, Pepe et al teach the system for delivering information to a plurality of mobile recipients having mobile communications devices capable of receiving text messages according to claim 1, wherein:

said process server identifies a caller ID of said recipient to identify said recipient (fig. 8, col. 14, lines 46-63) in a manner that reduces telephone charges otherwise incurred by said recipient in calling said telephone link [col. 21, 53-67].

As per claim 3, Pepe et al teach the system for delivering information to a plurality of
mobile recipients having mobile communications devices capable of receiving text messages according to claim 1, further comprising:

an information transfer link though which said process server can send said desired information to said recipient [fig.3 and 8].

As per claim 4, Pepe et al teach the system for delivering information to a plurality of mobile recipients having mobile communications devices capable of receiving text messages according to claim 1, wherein said information transfer link comprises:

a text messaging service associated with said process server to provide desired information for said recipient to said recipient in a text format upon initiation of a telephone call by said recipient to said telephone Link [col. 5, lines 22-30 and col. 10, lines 1-14]].

As per claim 5, Pepe et al teach the system for delivering information to a plurality of mobile recipients having mobile communications devices capable of receiving text messages according to claim 4, wherein said text messaging services comprises:

a text messaging service that permits delivery of text messages to said recipient via at least one of a pager and a cellular telephone [col.21, lines 40-65].

As per claim 6, Pepe et al teach the system for delivering information to a plurality of mobile recipients having mobile communications devices capable of receiving text messages according to claim 1, further comprising:

an interactive data access device that said process server may access in response to receipt of a telephone call from said recipient such that said process server can obtain desired information for said recipient [fig. 8, col. 14, lines 46-63 and col. 15, lines 9-12].

As per claim 7, Pepe et al teach the method of providing electronic mail notification to a communications device, comprising:

associating an electronic mail account with a first phone number (the number called by the subscriber) calling said first phone number from a communications device (subscriber portable device 32) [col. 21, 15-67]; and

automatically providing said electronic mail message to said communications device after said communications device calls said first phone number [col. 7, lines 30-46 and col. 21, lines 18-67].

As to the limitation automatically providing information to a receipient without a communication link being fully established

between a recipient and a server see the rejection in claim 1 above.

As per claim 8, Pepe et al teach the method of providing electronic mail notification to a communications device according to claim 7, further comprising:

obtaining a communications device identifier when said communications device dials said first phone number, and

using said communications device identifier to select said electronic mail message [col. 14, lines 46-63 and col. 21, 40-65].

As per claim 9, Pepe et al teach a method of providing information to a remotely located, portable communication device (PDA 30, Cellular phone 32 and pager 34, fig.4), comprising:

correlating at least one information unit represented by a text message maintained by a database system (col. 6, lines 47-59) with a first phone number of an information retrieval system and a second phone number of a remotely located, portable communication device [col. 4, lines 46-64];

calling said first phone number with said remotely located, portable communication device, wherein said information retrieval system having said first phone number identifies said portable communication device (Cellular phone 32) using said

second phone number [col. 5, lines 31-63 and col. 21, lines 40-55];

initiating and substantially immediately said call to said first phone number [col. 18, 30-40 and col. 21, 40-55];

retrieving said at least one information unit from said database system using said information retrieval system [col. 18, 30-40 and col. 21, 40-55]; and

automatically providing said information to said portable communication device using said second phone number [fig. 8, col. 14, lines 46-63 and col. 15, lines 9-12].

As to the limitation of automatically providing information to a receipient without a communication link being fully established between a recipient and a server, see the rejection in claim 1 above.

As per claim 10, Pepe et al teach the method of providing information to a remotely located portable communication device according to claim 9 wherein said portable communication device, comprises:

a text messaging capable cellular telephone [fig. 3, cellular phone 32].

As per claim 11, Pepe et al teach the method of providing information to a remotely located, portable communication device according to claim 9, wherein identification of said portable communication device includes:

utilization of caller ID information [col. 6, lines 47-65 and col. 21, lines 60-67].

As per claim 12, Pepe et al teach the method of providing information to a remotely located, portable communication device according to claim 9, wherein:

termination of said call to said first phone number is performed after a first ring [col.12, line 56-65].

As per claim 13, Pepe et al teach the method of providing information to a remotely located, portable communication device according to claim 9, wherein:

each instance of providing information to said portable communication device incurs no marginal cost to a user of said portable communication device [col. 21, 53-67].

As per claim 14, Pepe et al teach the method of providing information to a remotely located, portable communication device according to claim 9, wherein:

providing information to said portable communication device from said database system via said information retrieval system occurs only once in response to each incidence of calling said first phone number from said portable communication device [col.21, lines 40-67].

As per claim 15, Pepe et al teach a method of providing database access (database 44), comprising:

associating a first piece of information with a first communications device identifier in a system [col.6, 34-59];

detecting a first communications device identifier when said first communications device is used to contact said system [the arrival of an email or a call is detected col. 10, lines 28-67];

retrieving said first piece of information in response to detection of said first communications device identifier [col. 10, lines 28-67]; and

automatically transmitting said first piece of information to said first communications device following retrieval of said first piece of information [fig. 8, col. 14, lines 46-63 and col. 21, 40-67].

As to the limitation automatically providing information to a receipient without a communication link being fully established

between a recipient and a server see the rejection in claim 1 above.

As per claim 16, Pepe et al teach the method of providing database access according to claim 15, wherein:

said first piece of information is associated with said first communications device identifier by designating a first piece of information as information that is to be transmitted to a telephone number assigned to said first communications device [col. 14, lines 46-63; col. 15, lines 9-12 and col. 21, lines 40-67].

As per claim 19, Pepe et al teach the method of providing database access according to claim 16, wherein said detection of said first communications device identifier comprises:

identifying said telephone number of said first communications device when said first communication device contacts said system via telephony [col. 15, lines 30-42].

As per claim 20, Pepe et al teach the method of providing database access according to claim 19, wherein said identification of said telephone number of said first communications device comprises:

using caller ID to identify said first communications device prior to a telephone connection being established between said communications device and said system [col. 6, lines 47-65 and col. 21, lines 60-67].

As per claim 21, Pepe et al teach the method of providing database access according to claim 19, wherein said transmission of said first piece of information to said first communications device comprises:

sending a text message to said first communications device using said telephone number of said first communications device [col. 5, lines 31-63].

As to claims 22,26 and 30, these claims have similar limitations as claim 1 and 15, therefore, they are rejected with the same rationale.

As to claims 23-25, 27-29 and 31-33, these claims have similar limitations as to claims 1-6. Therefore, they are rejected with the same rationale.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe et al USPN (5742668) in view in

view O'Neal USPN. (6243444) and further in view of Yeh et al US Pub. (2004/0162747).

Regarding claims 17 and 18, although Pepe et al and O'Neal show substantial features of the claimed invention as explained in claims 1 and 15 above, they do not explicitly show designating a selected stock quotation to be transmitted to a first communication device.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Pepe et al and O'Neal, as evidenced by Yeh et al US Pub. (2004/0162747).

In analogous art, Yeh et al whose invention is about integrated interactive telephone and computer network communications system, disclose designating a selected stock quotation to be transmitted to a subscriber (telephone number) communication device [¶ 0053 and 0059]. Giving the teaching of Yeh et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Pepe et al and O'Neal by employing the system of Yeh et al because it would give immediate desirable information to a user having a portable communication device at any location.

Conclusion

6. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

Art Unit 2153

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PRIMARY EXAMINER